

The article was also alleged to be adulterated under the provisions of the law applicable to drugs as reported in the notices of judgment on drugs and devices.

On March 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5763. Adulteration of red chili sauce. U. S. v. 19 Cases of Red Chili Sauce. Default decree of condemnation and destruction. (F. D. C. No. 11190. Sample No. 57652-F.)

On November 27, 1943, the United States attorney for the District of New Mexico filed a libel against 19 cases, each containing 24 jars, of red chili sauce at Roswell, N. Mex., alleging that the article had been shipped in interstate commerce on or about February 12, 1943, by the Valley Canning Co., Canutillo, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of worm and insect fragments. The article was labeled in part: (Jars) "Valley Brand Red Chili Sauce."

On December 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5764. Adulteration of miscellaneous foods. U. S. v. 223 Cases of Miscellaneous Foods, Drugs, and Cosmetics. Decree of condemnation. Products ordered released under bond for reprocessing and relabeling of good portion. (F. D. C. No. 8509. Sample No. 28246-F.)

Some of these products had been water-damaged and others were very old and deteriorated. They included, among other items, baby foods.

On October 5, 1942, the United States attorney for the Northern District of Georgia filed a libel against 223 cases of miscellaneous foods, drugs, and cosmetics at Atlanta, Ga., alleging that the articles had been shipped on or about September 16, 1942, by Wells and Harris from Norfolk, Va.; and charging that the food items were adulterated in that they had been held under insanitary conditions whereby they might have become contaminated with filth.

The cosmetic items were alleged to be adulterated under the provisions of the law applicable to cosmetics as reported in the notices of judgment on cosmetics. The drug items were alleged to be adulterated and misbranded under the provisions of the law applicable to drugs as reported in the notices of judgment on drugs and devices, No. 954.

On October 12, 1942, John W. Harris, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for segregation and destruction of the unfit portion, and for reprocessing and relabeling of the good portion under the supervision of the Food and Drug Administration.

5765. Adulteration and misbranding of gravy mix. U. S. v. 10 Cases of Gravy Mix. Default decree of condemnation. Product ordered delivered for use by a government institution. (F. D. C. No. 10266. Sample No. 42714-F.)

On July 24, 1943, the United States attorney for the Western District of Washington filed a libel against 10 cases, each containing 5 cartons packed with 12 paper bags each, of gravy mix, alleging that the article had been shipped in interstate commerce on or about June 24, 1943, from Los Angeles, Calif., by the Aldama Products Co.; and charging that it was adulterated and misbranded. The article was labeled in part: (Paper bag) "E-Z Brown Gravy Mix Ingredients 1½ Ounces Make 1 Pint. Contains Wheat Flour, Salt, Vegetable Protein Derivative (An Artificial Seasoning), Dehydrated Onion, Celery, Peppers, Chili, Spices and Natural Flavoring."

The article was alleged to be adulterated in that a substance, artificial color, had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was, that is, to make it appear to contain meat extractives. It was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (2) in that the mandatory declaration of net weight did not appear on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the label) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase, since the statement "Ingredients 1½ Ounces Make 1 Pint," was not a proper declaration of net weight; and (3) in that it contained artificial coloring and failed to bear labeling stating that fact.